

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

COLONIZE MEDIA, INC., ) Case No.: 1:20-cv-01053-DAD-SAB  
Plaintiffs, )  
v. ) ORDER DIRECTING THE CLERK OF THE  
TATE A. PALMER, et al., ) COURT TO TERMINATE TRIWOLF MEDIA,  
Defendants. ) LLC AND TANGO MULTI MEDIA  
PRODUCTIONS, LLC AS A PARTY IN THIS  
ACTION AND DIRECTING PLAINTIFF TO  
FILE PROOF OF SERVICE FOR DEFENDANT  
TATE A. PALMER  
(ECF No. 27)  
DEADLINE: APRIL 21, 2021

Plaintiff Colonize Media, Inc. filed this action alleging violation of the Trade Secrets Act, 18 U.S.C. § 1836 et seq. and California law against Defendants Tate A. Palmer, Triwolf Media, LLC and Tango Multi Media, LLC. Defendants Tango Multi Media, LLC and Triwolf Media, LLC filed an answer on January 11, 2021. On January 19, 2021, an order issued extending time for Plaintiff to serve Defendant Tate A. Palmer and he was to be served within ninety days.

On April 2, 2021, an stipulation was filed to dismiss the complaint as to Defendants Tango Multi Media, LLC and Triwolf Media, LLC. Rule 41(a) of the Federal Rules of Civil Procedure allows

1 a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson v.  
2 City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506  
3 (9th Cir. 1995) (“The plaintiff may dismiss either some or all of the defendants—or some or all of his  
4 claims—through a Rule 41(a)(1) notice.”)); but see Hells Canyon Pres. Council v. U.S. Forest Serv.,  
5 403 F.3d 683, 687 (9th Cir. 2005) (The Ninth Circuit has “only extended the rule to allow the dismissal  
6 of all claims against one defendant, so that a defendant may be dismissed from the entire action.”).  
7 “Filing a notice of voluntary dismissal with the court automatically terminates the action as to the  
8 defendants who are the subjects of the notice.” Concha, 62 F.3d at 1506.

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10 The stipulation does not dismiss the action in its entirety and this action remains open as to the  
11 claims against Defendant Tate. Plaintiff has been granted an extension of time to April 19, 2021, to  
12 serve Defendant Tate. Plaintiff is required to file proof that Defendant Tate has been served with the  
13 summons and complaint.

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15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The Clerk of the Court is DIRECTED to terminate Defendants Tango Multi Media, LLC  
17 and Triwolf Media, LLC as a defendant in this action;
- 18 2. Plaintiff shall file proof that the summons and complaint have been served on Defendant  
19 Palmer on or before April 21, 2021; and
- 20 3. Plaintiff is advised that failure to comply with this order may result in the issuance of  
21 sanctions.

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24 IT IS SO ORDERED.

25 Dated: April 2, 2021

  
26 UNITED STATES MAGISTRATE JUDGE  
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